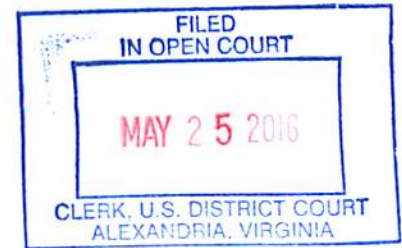


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA

v.

MARCEL LEHEL LAZAR

a/k/a "GUCCIFER"
a/k/a "GUCCIFER SEVEN"
a/k/a "MICUL FUM"
a/k/a "MARCEL LAZAR LEHEL"

Defendant.

Criminal No. 1:14-cr-213

Honorable James C. Cacheris

STATEMENT OF FACTS

The United States and the defendant, MARCEL LEHEL LAZAR, agree that the following facts are true and correct, and that had this matter proceeded to trial, the United States would have proven them beyond a reasonable doubt with admissible and credible evidence:

1. Beginning in at least October 2012 and continuing into January 2014, LAZAR intentionally gained unauthorized access to numerous personal email and social media accounts, including those belonging to high-profile individuals in the United States.
2. LAZAR committed these illegal acts for the purpose of, among other things, unlawfully obtaining his victims' personal information and email correspondence.
3. In many instances, LAZAR released his victims' personal information to media organizations. Among other things, LAZAR obtained and distributed without authorization the contents of private email correspondence, medical information, financial information, photographs, personal identifying information, and other private property.

4. In some instances, LAZAR unlawfully used his victims' email and social media accounts to fraudulently contact other victims or members of the media.

5. Many of the email accounts to which LAZAR gained unauthorized access were held by AOL Inc., whose email servers were located in the Eastern District of Virginia.

6. LAZAR committed these illegal acts from his residence in Arad County in Romania. He attempted to conceal his true identity and location by accessing his victims' accounts through proxy servers located in other countries, including Russia.

7. LAZAR used the self-created moniker "Guccifer" and not his real name in connection with his unlawful activity. In a previous scheme, LAZAR called himself "Micul Fum" ("Little Smoke" in English) in connection with similar hacking activity, where he unlawfully accessed the email accounts of Romanian celebrities and athletes and released their private information on the internet.

8. In total, LAZAR victimized approximately one hundred individuals in the United States, including former government officers or employees and the immediate family members of former government officers or employees.

General Scheme

9. In general, LAZAR gained unauthorized access to his victims' online accounts by correctly guessing either their passwords or the answers that his victims provided to the security questions connected to these accounts.

10. After gaining unauthorized access to a victim's email account, LAZAR would typically create an additional email account that linked to the victim's account, and change the security questions and answers so that he maintained exclusive control of the victim's account.

11. After gaining unauthorized access to a high-profile victim's email account, LAZAR would typically access the victim's email contact list and use it to search for other potential high-profile victims.

12. While unlawfully accessing his victims' accounts, LAZAR frequently impersonated the victim in communications with individuals on the victim's contact list. LAZAR did so to identify potential new victims.

Victims 1 and 2

13. Victim 1 was an immediate family member of two former U.S. presidents.

14. On or about December 22 and 25, 2012, and again on or about January 5, 2013, LAZAR accessed without authorization Victim 1's AOL email account, located on computer servers in the Eastern District of Virginia. LAZAR unlawfully obtained contents from this account, including Victim 1's confidential information and property such as private email correspondence, medical information, photographs, and a contact list containing the names, home addresses, telephone numbers, and other identifying information of Victim 1's family members. LAZAR attempted to conceal his identity by accessing the account from proxy servers located in Russia.

15. Victim 2 was a sanitation engineer located in New Jersey.

16. In February 2013, LAZAR accessed without authorization Victim 2's AOL email account, located on computer servers in the Eastern District of Virginia. LAZAR unlawfully sent multiple emails from Victim 2's account to various media organizations. In these emails, LAZAR attached content that he had unlawfully obtained from Victim 1's AOL account, including confidential information and property such as private email correspondence, medical information, photographs, home addresses, and telephone numbers. LAZAR digitally imposed

his moniker "GUCCIFER" on some of this content. On or about February 7, 2013, multiple media organizations published portions of this confidential information and property online.

Victims 3 and 4

17. Victim 3 was a former U.S. Cabinet member who resided in the Eastern District of Virginia.

18. On or about March 11, 2013, LAZAR accessed Victim 3's AOL email and Facebook accounts without authorization. Victim 3's AOL account was located on computer servers in the Eastern District of Virginia. LAZAR obtained contents from Victim 3's AOL account without authorization, including Victim 3's confidential information and property such as private email correspondence and financial information. LAZAR also reset the passwords to Victim 3's Facebook and AOL accounts. LAZAR attempted to conceal his identity by accessing these accounts from proxy servers located in Russia.

19. Also on or about March 11, 2013, LAZAR used Victim 3's Facebook account without Victim 3's authorization to publicly post the following messages: "You will burn in hell, Bush!" and "Kill the illuminati! Tomorrow's world will be a world free of illuminati or will be no more!"

20. Also on or about March 11, 2013, LAZAR sent to dozens of media organizations an email from Victim 3's AOL account that was titled, "blair rumsfeld powell kissinger tennet mails!" In this email, which LAZAR sent from Victim 3's account without authorization, LAZAR wrote, "the 9/11 victim's blood is on my hands." LAZAR attached content to the email that he had unlawfully obtained from Victim 3's account, including confidential information and property such as private email correspondence and financial information. LAZAR marked some

of the content with his alias "GUCCIFER." Multiple media organizations published portions of the confidential information and property on or about March 11, 2013.

21. On or about March 15, 2013, LAZAR accessed Victim 2's AOL account without authorization. LAZAR then sent an email from Victim 2's account to dozens of congressional staffers that attached content LAZAR unlawfully obtained from Victim 3's AOL account, including confidential information and property such as private email correspondence. LAZAR digitally imposed his moniker "GUCCIFER" on some of this content.

22. Witness 1 was a foreign national and senior foreign government official.

23. On or about July 29, 2013, LAZAR accessed Witness 1's Yahoo email account without authorization. LAZAR then obtained, without authorization, contents from Witness 1's account, including confidential information and property such as private email correspondence, photographs, and medical information. LAZAR also took screenshots of private email correspondence between Victim 3 and Witness 1 and uploaded those screenshots to a Google Drive account that he later made available to U.S. media organizations. LAZAR digitally imposed his moniker "GUCCIFER" on some of this content.

24. Victim 4 was a former member of the U.S. Joint Chiefs of Staff. LAZAR, knowing that Victim 4 was a real person, unlawfully used Victim 4's online accounts in furtherance of defrauding Victim 3.

25. Specifically, on or about July 29, 2013, LAZAR accessed Victim 4's Facebook account without authorization, and from this account sent a message to Victim 3's Facebook account with the intent of provoking a response from Victim 3. The message contained a link to the Google Drive account on which LAZAR had uploaded the screenshots he took of private email correspondence between Victim 3 and Witness 1.

26. Further, on or about July 31, 2013, LAZAR accessed Victim 4's Google email ("Gmail") account without authorization. LAZAR then sent without authorization an email from Victim 4's Gmail account to Victim 3's Gmail account, with the intent of provoking a response from Victim 3. The message contained a link to the Google Drive account on which LAZAR had uploaded the screenshots he took of private email correspondence between Victim 3 and Witness 1.

27. Between approximately July 29 and August 1, 2013, LAZAR distributed to two media organizations some of the content that he had unlawfully obtained from Witness 1's email account, including confidential information and property such as private email correspondence between Witness 1 and Victim 3, and photographs. On or about August 1, 2013, these media organizations published portions of this confidential information and property.

Victim 5

28. Victim 5 was a journalist and former presidential advisor.

29. On or about March 14, 2013, LAZAR accessed without authorization Victim 5's AOL email account, which was located on computer servers in the Eastern District of Virginia. LAZAR obtained without authorization contents from Victim 5's account, including Victim 5's confidential information and property such as private email correspondence, home address, and telephone numbers. LAZAR also reset the password and security questions and answers to Victim 5's account.

30. Also on or about March 14, 2013, LAZAR created or accessed a subaccount to Victim 5's AOL account. LAZAR without authorization sent an email from Victim 5's subaccount to a media organization that attached content he had unlawfully obtained from Victim 5's account, including confidential information and property such as private email

correspondence and telephone numbers. LAZAR digitally imposed his moniker “GUCCIFER” on some of this content. He attempted to conceal his identity by accessing the account from a proxy server located in Russia.

31. On or about March 15, 2013, LAZAR sent without authorization an email from Victim 2’s AOL email account to multiple media organizations that attached content he had unlawfully obtained from Victim 5’s account, including confidential information and property, such as private email correspondence and telephone numbers. LAZAR marked some of the content with his alias “GUCCIFER.”

“Guccifer Archive” and Destruction of Evidence

32. On or about December 18, 2013, LAZAR sent emails to the websites Cryptome and The Smoking Gun that provided access to content that he unlawfully obtained from Victim 1, Victim 3, Victim 5, and Witness 1’s online accounts, and others, including confidential information and property such as private email correspondence, photographs, medical information, and financial information. LAZAR called this collection of content the “Guccifer Archive.”

33. In or around December 2013, LAZAR knowingly destroyed the computer and mobile phone that facilitated his gaining unauthorized access to his victims’ accounts. He did so with the intent to impede or obstruct the investigation by authorities into his hacking activities, and to prevent authorities from recovering evidence of his criminal acts.

34. On or about January 6, 2014, The Smoking Gun published a story based upon the contents of the Guccifer Archive that included a list of previously unknown victims and details about the hacks and the contents that LAZAR illegally obtained from his victims’ hacked accounts.

35. On or about January 22, 2014, Cryptome published a link to the Guccifer Archive on its website.

Criminal History

36. LAZAR was convicted in Romania in February 2012 on charges of gaining unauthorized access to the online accounts of Romanian nationals. He received a suspended sentence of three years' imprisonment.

37. On or about January 22, 2014, LAZAR was arrested by Romanian authorities and was later convicted of gaining unauthorized access to the online accounts of Romanian nationals, including the personal accounts of the then-director of the Romanian Intelligence Service. In June 2014, LAZAR was sentenced to a term of four years' imprisonment for these crimes with an additional three years for his prior offenses, resulting in a total term of imprisonment of seven years.

38. The Statement of Facts includes those facts necessary to support the defendant's guilty plea. It does not include each and every fact known to the defendant or to the government, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

39. The actions of the defendant, as recounted above, were in all respects knowing, voluntary, and intentional, and were not committed by mistake, accident or other innocent reason.

40. If the defendant breaches the plea agreement, then pursuant to the plea agreement, he waives any rights under Federal Rule of Criminal Procedure 11(f), Federal Rule of

Evidence 410, the United States Constitution, and any federal statute or rule in objecting to the admissibility of the statement of facts in any such proceeding.

Dana J. Boente
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By:



Maya D. Song
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Assistant United States Attorneys

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Ryan K. Dickey
Senior Counsel, U.S. Department of Justice
Criminal Division
Computer Crime and Intellectual Property Section

Defendant's Signature: After consulting with my attorney, I hereby stipulate that the above Statement of Facts is true and accurate and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt

Date: 5/18/16



Marcel Lehel LAZAR
Defendant

Defense Counsel Signature: I am the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one

Date: 5/24/16



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